

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.299 of 2006

Iqbal Ahmed Haroon, .. Petitioner
Vs
1. Kishor S.Suryavanshi & anr. .. Respondents

WITH

CRIMINAL WRIT PETITION NO.300 of 2006

Iqbal Ahmed Haroon, .. Petitioner
Vs
1.Md.Umar Md Hasan alias
Gulshan Mokadam and anr. .. Respondents.

Mr V.V.Gangurde, for the petitioner.
Mr S.V.More, APP, for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 19th JUNE, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. These two writ petitions challenge similar order passed by the IInd Ad-hoc Addl. Sessions Judge, Malegaon, District-Nasik, by which the applications filed by the petitioner, seeking condonation of delay in challenging the order passed by the learned Magistrate have been dismissed. The learned Magistrate by that order had dismissed the private complaints filed by the petitioner. The petitioner had filed two separate complaints against the respondents bearing Criminal Case No.O.M.A.105/03 for the offences punishable under sections 406,114 and

120(B) r/w 34 of IPC and O.M.A. No.90/2001 for the offences punishable under sections 143,147,144, 149,326,364(A), 506 and section 37(1) of Mumbai Police Act. It appears that both these cases came to be dismissed under section 203 r/w 159 of Cr.P.C by separate order dated 22.5.2000. Those orders were challenged in revision applications before the Sessions Court and since there was delay in filing revision, the applications seeking condonation of delay of more than nine months were preferred by the applicants. The only ground for seeking condonation of delay mentioned in both the applications was that the petitioner was not keeping well. In support of this contention, the two medical certificates were filed on record dated 30.9.2003 and 8.4.2004. On perusal of these medical certificates, the learned Addl.Sessions Judge observed that even if the medical certificates are taken as genuine, they explain delay of hardly 30 days. It has also come on record that the applicant has some other cases pending before the different forum and were being attended by him during that period. No satisfactory grounds by way of explanation as required to be mentioned in the applications to exercise discretionary power in favour of the applicant claiming condonation of delay, have been made out. In the circumstances, the learned Addl.Sessions Judge has rightly rejected the

applications seeking condonation of delay
and I find no reason whatsoever to interfere

with the impugned orders. The Criminal writ petitions
are accordingly dismissed.

(D.B.BHOSALE, J.)